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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

08 MAR 24 AM 10: 31

UNITED STATES OF AMERICA, Plaintiff, v. **Eduardo VALENTE-Garcia,** Defendant	Magistrate Docket No. '08 MJ 0902
	ECL
	COMPLAINT FOR VIOLATION OF:
	Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **March 23, 2008** within the Southern District of California, defendant, **Eduardo VALENTE-Garcia,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **24th** DAY OF **MARCH 2008**

William McCurine Jr.
UNITED STATES MAGISTRATE JUDGE

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CONTINUATION OF COMPLAINT:
Eduardo VALENTE-Garcia

PROBABLE CAUSE STATEMENT

On March 23, 2008, Supevisory Border Patrol Agent J. Feldman and Field Operations Supervisor R. Roberts were working line watch duties in Campo, California. At approximately 5:45 am, Agent Feldman and Agent Roberts responded to a citizen who was flagging the agents down with a flashlight near an area known as "Lone Pine." This area is located approximately nine miles east of the Tecate, California Port of Entry and 300 yards north of the United States/Mexico International Boundary Fence.

Agent Feldman and Agent Roberts then encountered five individuals trying to conceal themselves in the brush. Agent Feldman and Agent Roberts identified themselves as United States Border Patrol Agents and conducted an immigration inspection. All five, including one later identified as the defendant **Eduardo VALENTE-Garcia**, admitted to being citizens and nationals of Mexico without any immigration documents allowing them to enter or remain in the United States legally. All five individuals, including the defendant, were placed under arrest and transported to the Tecate Processing Center in Tecate, California.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **May 12, 2006** through **San Ysidro, California.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

James Trombley
Senior Patrol Agent

William McCurine Jr.
U.S. Magistrate Judge

3/24/08
Date/Time